

Section 4

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date:

January 18, 2002

By:

Lynn Anderson

Docket No. 37167-8043.US00 (13724-853)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Morris et al.

EXAMINER: Unknown

SERIAL No.: 09/938,276

ART UNIT: 3731

FILED: August 22, 2001

FOR: TISSUE SURFACE TREATMENT APPARATUS AND METHOD

Response to Notice to File Missing Parts of Application

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. In response to the Notice to File Missing Parts mailed September 24, 2001 (copy enclosed), applicant submits the following:

- ☒ A Petition for 2-month time extension
- ☒ An Executed Declaration of Inventorship
- ☒ A Power of Attorney
- ☒ A copy of a Recordation Form Cover sheet for Assignment submitted for recording under separate cover.
- ☒ A Communication
- ☒ A Preliminary Amendment

09938276 02430

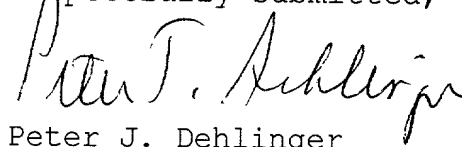
2. Conditional Petition for Extension of Time

Applicant petitions for an Extension of Time if necessary for timely filing of this Response.

3. Fee Payment

- ☒ Applicant claims small entity status. See 37 CFR \$1.27.
- ☒ Please charge the filing fee (\$370), and the surcharge for late filing of the declaration (\$65) totaling **\$435.00** to Deposit Account No. **50-0665**.
- ☒ Please charge any underpayment for timely filing of this Response to Deposit Account No. **50-0665**.

Respectfully submitted,



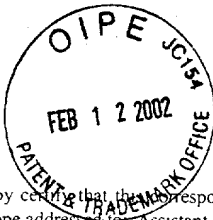
Peter J. Dehlinger  
Registration No. 28,006

Date: 01-18-02

**Correspondence Address:**

Customer No. 22918

Phone: (650) 838-4401



COPY OF PAPERS  
ORIGINALLY FILED

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DOCKET NO.: 37167-8043.US00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Morris, *et al.*

EXAMINER: Unknown

SERIAL NO.: 09/938,276

ART UNIT: 3731

FILED: August 22, 2001

FOR: **TISSUE SURFACE TREATMENT  
APPARATUS AND METHOD**

**COMMUNICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. This communication is submitted concurrent with Applicants response to the Notice to File Missing Parts of Nonprovisional Application mailed September 24, 2001.
2. The Notice to File Missing Parts indicates that Figures 22a-22e, 51a-51b, 54a-54b, and 56 appear to have been omitted from the application as filed.
3. The apparent omission is due to a discrepancy between the specification and the numbering of the Figures. The apparently missing figures, Figures 22a-22e, 51a-51b, 54a-54b, and 56 were in fact submitted with the application as Figures 20a-20e, 50a-50b, 53a-53b, and 55, respectively. A Preliminary Amendment is submitted herewith to correct the discrepancy between the specification and the Figures.

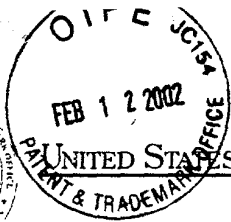
If there are any questions concerning the above points, please call the undersigned at (650) 838-4401.

Respectfully submitted,

Peter J. Dehlinger  
Peter J. Dehlinger  
Registration No. 28,006

Date: 01-18-02

Correspondence Address:  
Customer No. 22918

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D. C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/938.276	08/22/2001	David L. Morris	13724 853

CONFIRMATION NO. 1933

## FORMALITIES LETTER



\*OC000000006593169\*

Joel Harris  
967 North Shoreline Boulevard  
Mountain View, CA 94043

Date Mailed: 09/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/15/2002 SDIRETA1 00000095 500665 09938276

FILED UNDER 37 CFR 1.53(b)

01 FEB 201 370.00 CH  
02 FEB 205 65.00 CH

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 420.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) 22a-22e, 51a-51b, 54a-54b, and 56 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

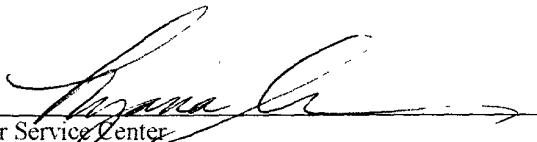
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the

ate of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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